

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CR-368-1-F

UNITED STATES OF AMERICA,

v.

CURTIS LAKOY EDMONDS,
Defendant.

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O R D E R

On March 9, 2009, the defendant filed a Motion to Suppress [DE-39] and a Motion in Limine [DE-40]. The Motion to Suppress was referred to Magistrate William Webb for hearing and preparation of a Memorandum and Recommendation ("M&R"). The matter now is before the court for consideration of the Magistrate Judge's April 16, 2009, M&R, and the defendant's objections [DE-54] thereto, as well as the Motion in Limine.

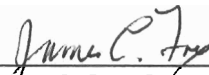
The court has conducted a careful independent review of the record herein, including the parties' pre- and -post hearing memoranda, and has listening to the tape recording of the suppression hearing conducted by Magistrate Judge William Webb. Having done so, the court concurs with the Magistrate Judge's analysis of the defendant's motions, and has reached the *de novo* determination that the M&R is correct and in accordance with the law.

Accordingly, the court ADOPTS the Magistrate Judge's M&R, and hereby ORDERS that the defendant's Motion to Suppress [DE-39] is DENIED. The defendant's

Motion in Limine [DE-40] is HELD IN ABEYANCE until such time, if any, as the Government seeks to introduce the substance of the subject telephone calls into evidence. The defendant objects to admission of the evidence on grounds that it is “irrelevant.” Of course, evidence that is not “relevant” as defined in Rule 401, Federal Rules of Civil Procedure, is not admissible. The Government will have an opportunity to prove the relevance and admissibility of the evidence if it seeks to introduce it at trial.

SO ORDERED.

This 14th day of May, 2009.



JAMES C. FOX
Senior United States District Judge